

**PLANNING AND ZONING BOARD**  
**JANUARY 26, 2000**

**1. ROLL CALL**

The meeting was called to order at 7:33 p.m. Board members present were Chair George Greb, Vice-Chair Michael Davenport, Lawrence Kuvin, John Pisula and Jay Stahl. Also present were Assistant Town Attorney Jon Hinden, Planner Jason Eppy and Board Secretary Janet Gale recording the meeting.

**2. PLAT**

2.1 P 8-2-99, Griffin 78 Plat, 7790 Griffin Road (B-1)

Mr. Eppy explained that the petitioner had requested a tabling to February 9, 2000.

Vice-Chair Davenport made a motion, seconded by Mr. Pisula, to table to February 9, 2000.

In a voice vote, all voted in favor. **(Motion carried 5-0)**

**3. PUBLIC HEARINGS**

*Rezoning*

3.1 ZB 5-1-99, Meyers/Jolmy Enterprises, Inc., 4751 SW 30 Street (from M-4 to TS)

Mark Gordon appeared on behalf of the petitioner. Mr. Gordon stated that he worked extensively on the ordinance that created a truck stop district that took effect December 1, 1999, in the Town. He stated that they had since applied for and met with staff concerning rezoning and also hotel permits to be on the premises of the truck stop at Interstate 595 and the Florida Turnpike. Mr. Gordon stated that the master plan and site plan had been submitted to the Town and it had been reviewed. He was asking the Board to approve this rezoning request and added that the M-4 zoning that previously existed was insufficient and inadequate to address the needs of this project.

Mr. Eppy read the planning report (Planning and Zoning Division's recommendation: approval subject to the conditions stated in the planning report).

Mr. Stahl referred to previous discussions on this item and asked if it was stated then that there would be no clubs or restaurants in the hotel, but only an out parcel that could be located next to the hotel. Mr. Gordon responded that this was discussed at the Town Council meeting and it was decided that "as long as there was food being provided for a lounge in a hotel, as opposed to a nightclub or cabaret atmosphere, that it was satisfactory to the Town Council." Mr. Gordon referred to Ordinance 99-42 to substantiate this statement.

Vice-Chair Davenport asked how close this proposed site was to the nearest residential site. Mr. Eppy stated that it was currently surrounded by industrial zoned property, adding that he did not have the exact distance to residential on hand, but he would provide that information at a later time.

Chair Greb asked if anyone wished to speak for or against this item.

Dick Kingsberg, 3055 Burriss Road, owner of Twin Lake Travel Park, stated that his property was adjacent to the proposed truck stop. He indicated that he was not opposed to the truck stop, but he wanted "it done right." Mr. Kingsberg stated that the community depended on quiet, cleanliness and hoped that the truck stop would have proper safeguards, including barriers for noise abatement. He was concerned that if the peaceful atmosphere was not maintained, then his tenants would move elsewhere. Mr. Kingsberg distributed newspaper articles that implied there was no residential property near the proposed truck stop. He stated

that the articles made definite statements that “nobody was going to be impacted by this truck stop.” Mr. Kingsberg reiterated that he was not opposed to this project, but wanted his

**PLANNING AND ZONING BOARD**  
**JANUARY 26, 2000**

property to be considered when decisions were made and urged the Board to include him in the planning stages and to assist in developing this project in a manner that would have little or no impact on his community.

Scott Morecroft, 4650 SW 70 Terrace, stated that he was at the last meeting regarding this item. He recalled that this site was not going to include a “hotel” rather than a “motel,” and that a bar was going to be inside the hotel. Mr. Morecroft stated that the community wanted the Board to know that the expectation was for a hotel with a restaurant on the outside.

Kirby Cannon stated that he was aware of the noise levels of trucks. He explained that refrigerated trailers had high noise levels, as did engine breaks. Mr. Cannon stated that he lived in the adjacent trailer park and he felt the Town needed a truck stop. He stated that the proper planning of the truck stop was essential in making it safe. Mr. Cannon explained how Petro designed truck stops and further described why and how idle trucks could create noise.

There being no other speakers, Chair Greb closed the public hearing.

Vice-Chair Davenport asked how this Board should address and consider the newspaper articles that Mr. Kingsberg referred to. Mr. Hinden stated that this Board should not address or consider the newspaper articles when forming opinions and/or taking action. He added that the rezoning petition should be judged on its own merits.

Vice-Chair Davenport stated that he realized all the proposed buildings on the site were necessary in order to serve the trucking industry and the truck drivers. He was concerned with the terms “cocktail lounge” and “nightclub entertainment” because it implied that alcoholic beverages were available to truck drivers. Vice-Chair Davenport asked that the petitioner voluntarily remove these terms from their proposal.

Vice-Chair Davenport was also concerned with the noise and smoke that trucks produced and stated that he wanted to be assured that these deterrents would be carefully addressed in the planning stage. He was confident that this was possible as per Mr. Cannon’s description of how truck stops were safely and effectively designed. Vice-Chair Davenport also expected other provisions to be taken to insure that residents would not be negatively affected.

Mr. Gordon stated that there were not many instances “where truckers were arrested for alcohol offenses on the road.” He stated that it was the responsibility of the hotel and lounge operators to control alcoholic consumption by their customers. Mr. Gordon stated that the retail store was going to be selling beer and wine, but alcohol consumption was allowed on the premises. He clarified that the purpose of providing the lounge facility was not for alcohol consumption, but to provide something associated with the food industry.

Mr. Kuvin asked if the site plan in the packet was the actual site plan that was going to be used if this Board approved it. Mr. Eppy stated that this was a conceptual master plan that identified the proposed use and acted as a guide for the potential layout. He added that it would require the approval of the Site Plan Committee and Town Council. Mr. Kuvin stated that according to the conceptual plan, all long term parking was adjacent to the trailer park, and he was concerned with the noise and diesel fuel “smells” that would affect the residents. Mr. Kuvin stated that if this site plan went before Town Council as presented, he would be “seriously opposed to it.” He strongly recommended that this site plan be redesigned because

of the negative effects it would have on the residents of the trailer park. Mr. Kuvin clarified that he was not opposed to the truck stop, but he was opposed to the site plan.

## **PLANNING AND ZONING BOARD JANUARY 26, 2000**

Bill Myers, owner of the property, stated that he had lived next to a truck stop for 32 years and he did not deny that noise was a problem. He clarified that the trailer park in question was not a trailer park per se, but a transient motor home park that was zoned M-4. Mr. Kuvin was concerned with the location of the overnight parking, stating that it would be better situated on the north side of the property. Mr. Myers explained that the property was approximately one-half mile from the trailer park, adding that a 25 foot long by 10 foot high berm was also to be installed. He further explained that truckers would be assigned to a parking area and the street section was going to be used for long-term parking.

Chair Greb asked for assurance that the southern area of the parcel would be designated solely for AC/DC connection. Mr. Meyers indicated that he was not only concerned with the noise level that might affect the neighboring community, but also the noise level for the overnight truckers; therefore, limiting noise levels was also an important component of his project. It was stated that the lighting would be similar to that of stadium lighting, which could be directed and contained.

Chair Greb stated that the petitioner had designated the southern portion of the parking area for a "plug-in hook-up for long-term running engines." He asked Mr. Hinden if there was a recommendation that could be made of the Site Plan Committee to assure this was part of the plan. Mr. Hinden clarified that this ordinance was similar to a B-3 which also required a conceptual master site plan. Mr. Eppy confirmed this. Mr. Hinden stated that this Board could approve, subject to conditions heretofore stated in the planning report and "subject to the master site plan as amended by agreement of the petitioner that he provide for AC/DC electrical long-term parking only along the southern boundary of the property."

Vice-Chair Davenport noted that the voluntary Declaration of Restrictions had not been attached. Mr. Gordon indicated that he had not had a chance to complete it and would have it by January 28th. The Board agreed that it needed to know what was in the document.

Mr. Hinden inquired on the "Control Agreement" and Mr. Eppy stated that its purpose was to unify the property in terms of its drainage, associated maintenance requirements and parking access, which was typical of a master plan. Mr. Eppy stated that usage was dealt with as part of the permitted usage under the zoning regulations and its compatibility reviewed by Broward County. He advised that in the past, "projects here had been designated as Declaration of Covenants, Easements, and etcetera," and suggested that it be kept that way. Mr. Gordon indicated that he understood and agreed.

Vice-Chair Davenport was still concerned with alcohol consumption and saw no reason for the sale of alcoholic beverages. Mr. Gordon responded that he did not believe that someone would come in and build a hotel facility unless they had the ability to sell alcohol on the premises. He added that Council permitted as an accessory use of a lounge associated with a restaurant or kitchen. Vice-Chair Davenport stipulated that he was not against the consumption of alcoholic beverages and clarified that he was against truckers consuming alcohol and driving vehicles on highways. Mr. Gordon described the patrons and

circumstances in which participation of alcoholic beverages would be conducive. He felt that truckers were not a menace to the road and the instances of truckers being arrested for driving under the influence of alcohol was very rare.

## PLANNING AND ZONING BOARD JANUARY 26, 2000

Vice-Chair Davenport asked if the public hearing could be opened again. Chair Greb denied this request, stating that there would be opportunity to be heard at the upcoming Council meeting.

Chair Greb asked about the size of the lounge in relationship to the restaurant. Mr. Gordon explained that the lounge area was very small, approximately 15 feet by 20 feet. Mr. Eppy explained that there were no specific restrictions on the "lounge to restaurant ratio" in the truck stop ordinance, adding that "it just had to be associated with a kitchen facility."

Vice-Chair Davenport reiterated that he was not concerned with the restaurant, but with the nightclub that was specifically referred to in the plan. The architect clarified that most of the area would be used as a restaurant. It was then clarified that the petitioner's plan did not specifically use the word "nightclub." Mr. Eppy stated that the language was part of the permitted use in the ordinance.

A member from the audience was concerned that he was not allowed to further address this Board while Mr. Myers was allowed. Chair Greb explained that the petitioner had this right and the public had their opportunity to address the Board when the public hearing was opened. He reiterated that the public would have another opportunity to be heard at the upcoming Town Council meeting.

Vice-Chair Davenport asked for assurance from staff that the concerns regarding the hotel would again be addressed for special permit. Chair Greb confirmed this and Mr. Eppy agreed, stating that the hotel required special permit approval as stated in the ordinance.

Mr. Kuvin indicated that he was satisfied with Mr. Myers' and the architect's explanation of how the noise and pollution concerns would be resolved with the addition of the berm and the AC/DC hook-ups. He added that the hotel issue should be addressed at a later time.

Chair Greb asked what the approximate distance from the perimeter road to the residential property to the south was. The architect stated that it was approximately 150 feet. Chair Greb asked if there were details of what the berm would look like. Mr. Eppy stated that information was not available at this time, adding that this information would be required for site plan.

Mr. Stahl made a motion, seconded by Mr. Pisula, to approve subject to the planner's report and that the two long term parking areas at the southern boundary of the conceptual site plan be designated only as AC/DC parking, no engines running. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Davenport - yes; Mr. Kuvin - yes; Mr. Pisula - yes; Mr. Stahl - yes. **(Motion carried 5-0)**

### 3.2 ZB 12-2-99, Laystrom/95 Whse., Inc., northeast corner of SW 71 Terrace and Nova Drive (from R-4A and M-1, Old Code, to RM-16)

Bill Laystrom appeared on behalf of the applicant. He requested that this item be tabled stating that he wanted to meet with the Nova Drive Master Homeowner's Association in an effort to go over changes to the master conceptual site plan again. Mr. Laystrom anticipated

that a tabling to March 8th would allow enough time to accomplish those meetings and to revise the plans if necessary.

Mr. Kuvin made a motion, seconded by Mr. Stahl, to table this item to March 8, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

## **PLANNING AND ZONING BOARD JANUARY 26, 2000**

### **3.3 ZB 12-3-99, Phoenix III Corporation/Speyer, 5401 SW 82 Avenue (from A-1 to RM-8)**

Bill Laystrom appeared on behalf of the petitioner. Mr. Laystrom stated that because he disagreed with the report, he would wait to respond until after the planning report was read. Mr. Eppy read the planning report (Planning and Zoning Division's recommendation: denial).

Mr. Laystrom described the transition which the district was experiencing, especially between Griffin and Stirling Roads and Southwest 82 Avenue and Pine Island Road. He stated that a larger plan amendment did not pass because it had too many changes, but he was presenting a "small change" and was concerned that staff indicated it was piecemeal. Mr. Laystrom referred to his property and pointed out landmarks for the purpose of orienting the Board. He stated that they were trying to transition from commercial zoning and that was why they believed that RM-8 was appropriate as a compromise. Mr. Laystrom added that there were two reasons why they planned to have one entrance only from Pine Island Road and none on SW 82 Avenue: first, SW 82 Avenue was a much smaller roadway and second, they wanted to focus their project away from commercial. He further pointed out specific areas and explained how they impacted the area. Mr. Laystrom reiterated that they were attempting to focus on Pine Island Road. He clarified that there were no residential access points across from the property in question to Griffin Road.

Mr. Laystrom stated that the Pine Island Road corridor had plenty of capacity, referring to staff's concern with the number of trips from this property. He added that the 200 to 400 trips per day generated from the sixty units would not make much difference as Pine Island Road could accommodate approximately 45,000 trips per day. Mr. Laystrom stated that he had not done a trips report, but if the Board recommended it, they would obtain one before presenting to Council. He stated that this plan resulted in meeting the needs of the area adding that this plan would act as a buffer "between the community facility to the south, the commercial property to the east, and the lesser densities going to the north." Mr. Laystrom indicated that they had tried to focus the site plan away from the east, adding that the site plan presented was a conceptual site plan. He stated that he would accept this site plan as a condition to approval.

Mr. Laystrom indicated that he agreed with staff regarding the use of reserve units in this zone. He stated that staff wanted to use reserve units so that a land use amendment, which took approximately two years to process and was costly, would not be necessary.

Mr. Laystrom referred to the Land Use Plan and cited various points where his project met the intent of that plan. He indicated that the question before the Board was if this was the appropriate zoning and explained that the petitioner asked for RM-8 because the Town did not have an RM-6 district. Mr. Laystrom added that Mr. Capozzi had submitted a deed restriction, which stated that this property was restricted to not more than 60 single family residential units. He added that he would provide this to Council and this Board.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Davenport asked if the units were for purchase or rental. Mr. Laystrom responded that they were for purchase.

A discussion ensued regarding the parking area and the placement of sidewalks. Chair Greb was concerned with the safety of children and pointed out the potential danger. Mr. Laystrom stated that the sidewalks would be redesigned to avoid this potential problem if the Board made that a recommendation. Mr. Eppy offered staff's assistance to address this issue.

## **PLANNING AND ZONING BOARD**

### **JANUARY 26, 2000**

Mr. Pisula stated that he was pleased with the access directed toward Pine Island Road rather than SW 82 Avenue. He asked if there was information regarding the number of three and four bedroom units as this mix would help determine the amount of children expected in the community and schools were another issue to consider. Mr. Laystrom responded that those calculations had not been decided upon, but that the information could be made available for Council. Vice-Chair Davenport felt that a ten-acre site with 60 units would not greatly affect the number of students attending schools in the area. He was satisfied that this was a nice addition to the Town.

Mr. Pisula made a motion, seconded by Vice-Chair Davenport, to approve subject to the Declaration of Restrictions and everything else. In a roll call vote, the vote was as follows: Chair Greb - yes; Vice-Chair Davenport - yes; Mr. Kuvin - yes; Mr. Pisula - yes; Mr. Stahl - yes. **(Motion carried 5-0)**

#### *Variance*

3.4 V 11-3-99, Glover/Andryx Corporation, 4955 Orange Drive (M-3)

Mr. Eppy explained why staff had requested a tabling of this item to February 9, 2000.

Mr. Stahl made a motion, seconded by Mr. Kuvin, to table to February 9, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

#### *Special Permit*

3.5 SE 12-1-99, Myers/Jolmy Enterprises, Inc., 4751 SW 30 Street (M-4)

Mr. Eppy explained why staff had requested a tabling of this item to February 23, 2000.

Mr. Pisula made a motion, seconded by Mr. Stahl, to table to February 23, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

## **4. OLD BUSINESS**

There was no old business discussed.

## **5. NEW BUSINESS**

There was no new business discussed.

## **7. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

8. **ADJOURNMENT**

There being no other business and no objections, the meeting was adjourned at 8:59 p.m.

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Chair/ Board Member